

**Appln No. 09/775,315**  
**Amdt date March 28, 2007**  
**Reply to Office action of December 29, 2006**

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Please amend claim 11.

1. (Previously Presented) A positive active material for a rechargeable lithium battery comprising:

lithium nickel manganese oxides; and

lithium manganese oxides,

wherein a weight ratio of lithium manganese oxides to the lithium nickel manganese oxides is less than 1:1, providing an excess of lithium nickel manganese oxides.

2. (Previously Presented) The positive active material of claim 1 wherein the lithium nickel manganese oxides is  $Li_xNi_{1-y}Mn_yO_{2+z}$  ( $0 < x < 1.3$ , and  $0.1 \leq y \leq 0.5$ ,  $0 \leq z \leq 0.5$ ).

3. (Original) The positive active material of claim 1 wherein the lithium manganese oxides is  $Li_{1+x}Mn_{2-x}O_{4+z}$  ( $0 \leq x \leq 0.3$ , and  $0 \leq z \leq 0.5$ ).

4. (Original) The positive active material of claim 1, wherein the mixing ratio of the lithium nickel manganese oxides and lithium manganese oxides is 90 to 60 : 10 to 40 wt%.

5. (Canceled).

6. (Canceled).

7. (Canceled).

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8. (Canceled).

9. (Canceled).

10. (Canceled).

11. (Currently Amended) A rechargeable lithium battery comprising:  
a positive electrode comprising:

a positive active material comprising a mixture of lithium nickel cobalt oxides and lithium manganese oxides, the weight ratio of the lithium manganese oxides to the lithium nickel cobalt oxides being less than 1:1, wherein the lithium manganese oxides and the lithium nickel cobalt oxides remain distinct chemical species and are bonded together by a first binder adapted to be evaporated, [[and]]

a second binder; and

a conductive agent;

~~a second binder;~~

a negative electrode; and

an electrolyte.